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In re Application of	:	
TALTON	:	DECISION ON
Application No.: 10/502,022	:	
PCT No.: PCT/US03/00040	:	PETITION
Int. Filing Date: 22 January 2003	:	
Priority Date: 22 January 2002	:	UNDER 37 CFR 1.181
Attorney's Docket No.: 08100.0019	:	
For: METHOD OF PULSE LASER	:	
ASSISTANCE SURFACE MODIFICATION	:	

This application is before the PCT Legal Staff for consideration of matters arising under 35 U.S.C. 371.

BACKGROUND

On 22 January 2003, applicant filed international application PCT/US03/00040, which claimed priority of an earlier US application filed 22 January 2002. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 22 July 2004.

On 21 July 2004, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1). An oath or declaration as required by 35 U.S.C. 371(c)(4) was not filed.

On 21 October 2004, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating an oath or declaration of the inventors and the surcharge for filing the oath or declaration later than 30 months from the priority date as required by 37 CFR 1.492(e) were required. The notification set a two-month time limit in which to respond.

DISCUSSION

A review of the Notification of Missing Requirements reveals that it was mailed to the USPTO. Accordingly, the Notification is hereby VACATED.

CONCLUSION

This application is being forwarded to the National Stage Processing Branch of the International Division for treatment in accordance with this decision, that is for preparation and mailing of the new Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905).

Any further correspondence with respect to this matter should be addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



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